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In re Application of:

Brain Bruun, et al.

PCT Application No.: PCT/DK99/00339

International Filing Date: 18 June 1999

Priority Date: 23 June 1998

US Application No.: 09/720,468

Attorney's Docket No.: 0459-0527P

For: CONVEYOR SYSTEM WITH BUFFER
ARRANGEMENT

DECISION ON

PETITION

UNDER 37 CFR 1.182

This is in response to the "Response to Notification of a Defective Oath or Declaration" filed 23 April 2001. The "Response" is being treated as a petition under 37 CFR 1.182 because applicant is requesting a change in an inventor's name which, according to MPEP 605.04(c), is petitionable under 37 CFR 1.182.

BACKGROUND

On 18 June 1999, applicant filed international application PCTDK99/00339, claiming priority of Denmark application PA 1998 00813, filed 23 June 1998. A Demand for international preliminary examination, in which the United States was elected, was timely filed 24 January 2000.

On 22 December 2000, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee.

On 12 February 2001, the United States Patent and Trademark Office (PTO) mailed applicant a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905). On 22 March 2001, United States Patent and Trademark Office (PTO) mailed a "Notification of a Defective Oath or Declaration" (Form PCT/DO/EO/917) which indicated that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required because the second inventor's last name is different than the international application.

On 07 February 2001, applicant filed a "Letter Submitting Documents For Completion of an application" in response to Notification of a Defective Oath or Declaration." The "Letter"

included the original declaration of "Brian Lynge" changed by hand to Brian Lynge Sorensen.

DISCUSSION

MPEP section 605.04(c) states, in part, the following:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The petition did not include the appropriate petition fee but authorization to charge such a fee is contained in the Transmittal Letter of 23 April 2001

The "Letter" filed on 23 April 2001, applicant states that "second inventors full name was not properly listed on a International application as is evident from the front page of PCT application WO 99/670". The petition does not submit any explanation of how such an error occurred and supporting documentation. Such an explanation should be in the form of a statement from someone having firsthand knowledge of the error, and should be accompanied by a statement by Mr. Sorensen setting forth that the error occurred without any intent on his part. Thus, the requirements of a petition under 37 CFR 1.182 for correction of the inventor's name have not been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 requesting to change the name of inventor Brian Lynge to Brian Lynge Sorensen is DISMISSED without prejudice.

The fee of \$130.00 for this petition under 37 CFR 1.182 has be charged to Deposit Account No. 13-3848.

If reconsideration on the merits of this petition is desired, a proper response must be filed within two (2) months from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Failure to properly respond will result in abandonment of the application as to the United States.

Any further correspondence with respect to this matter should be addressed to the

Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

KS

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